

PLANNING COMMISSION MINUTES
February 2, 2023

PUBLIC HEARING

CASE NO. 22-ZONE-0121

Request: Change in zoning from RR to R-5 with a Waiver and Detailed Development Plan
Project Name: Vista Hills Subdivision
Location: 10001 Vista Hills Blvd.
Owner: TRI Smyrna LLC
Applicant: Jane Renn
Representative: Bowman Consulting Group Ltd.
Jurisdiction: Louisville Metro
Council District: 22- Robin Engel
Case Manager: Julia Williams, AICP, Planning Manager

Notices were sent by first class mail to those adjoining property owners whose names were supplied by the applicants.

The staff report prepared for this case was incorporated into the record. The Commissioners received this report in advance of the hearing, and this report was available to any interested party prior to the public hearing. (The staff report is part of the case file maintained in Planning and Design Services offices, 444 S. 5th Street.)

Agency Testimony:

00:48:46 Julia Williams presented the case and showed a Power Point presentation. She also responded to questions from the Commissioners regarding the Floyds Fork Overlay standards and how they relate to this site (see staff report and recording for detailed presentation and discussion.)

The following spoke in support of the request:

Chris Brown, Bowman Consulting/BTM Engineering, 3001 Taylor Springs Drive, Louisville, KY 40220

Summary of testimony of those in support:

00:57:04 Chris Brown, the applicant's representative, presented the applicant's case and showed a Power Point presentation (see recording for detailed presentation.)

01:02:35 In response to questions from Commissioner Mims, Mr. Brown said neither 20th Century Parks nor the Future Fund contacted the applicant, attended any of the neighborhood meetings, or requested any information about the project.

PLANNING COMMISSION MINUTES

February 2, 2023

PUBLIC HEARING

CASE NO. 22-ZONE-0121

01:03:19 In response to questions from Commissioner Lewis, Mr. Brown said requested that a new binding element be added (binding element 4 E), to read as follows:

The landscaping shall be substantially similar to that shown on the applicant's exhibit provided at the February 2, 2023 Planning Commission public hearing.

Deliberations:

01:04:19 Commissioners' deliberation.

An audio/visual recording of the Planning Commission hearing related to this case is available on the Planning & Design Services website, or you may contact the Customer Service staff to view the recording or to obtain a copy.

Change in zoning from RR to R-5

01:04:38 On a motion by Commissioner Brown, seconded by Commissioner Clare, the following resolution, based on the Standard of Review and Staff Analysis and evidence and testimony heard today, was adopted:

WHEREAS, the Louisville Metro Planning Commission finds that the proposal meets Community Form: Goal 1 because the proposed district is for low-density residential. It is not a high density use necessitating location near major transportation facilities; and buffer yards and setbacks will be in compliance with the LDC; and

WHEREAS, the Commission further finds that the proposal meets Community Form: Goal 2 because an existing residential lot is being developed for residential purposes; and

WHEREAS, the Commission further finds that the proposal meets Community Form: Goal 3 because the site is not located in 100-yr floodplain and no wetlands have been indicated. MSD has no issues with the proposal; and

WHEREAS, the Commission further finds that the proposal meets Community Form: Goal 4 because the site does not appear to contain distinctive cultural or natural features that will not be retained; and the site does not appear to contain distinctive historic resources; and

PLANNING COMMISSION MINUTES
February 2, 2023

PUBLIC HEARING

CASE NO. 22-ZONE-0121

WHEREAS, the Commission further finds that the proposal meets Mobility: Goal 1 because the proposed district is for low-density residential. It is not a high density use necessitating location near major transportation or commercial facilities; and

WHEREAS, the Commission further finds that the proposal meets Mobility: Goal 2 because access to the site is obtained through areas of similar density; and

WHEREAS, the Commission further finds that the proposal meets Mobility: Goal 3 because the proposed district is for low-density residential on a vacant lot within an existing development. All multi-modal options are available or are being accommodated on the site or within the area' existing roadway infrastructure is adequate to support the proposed density; no roadway improvements have been requested; no roadway improvements have been requested; public roadways and sidewalks are proposed; and no access to high speed roadways is provided; and

WHEREAS, the Commission further finds that the proposal meets Community Facilities: Goal 2 because the proposal is located in an area served by existing utilities or planned for utilities as evidenced by adjacent development; the proposal would appear to have access to an adequate supply of potable water and water for fire-fighting purposes as evidenced by adjacent development; and MSD has no issues with the proposal; and

WHEREAS, the Commission further finds that the proposal meets Livability: Goal 1 because tree canopy requirements will be met on the site; natural features are not evident on the site; and MSD has no issues with the proposal; and

WHEREAS, the Commission further finds that the proposal meets Housing: Goal 1 because the proposal incorporates a variety of housing styles into the area by providing an alternative housing type for single-family residential occupancy; and the proposal promotes housing options and environments that support aging in place as an alternative housing type for single-family residential occupancy and common maintenance is typical of the type of style proposed; and

WHEREAS, the Commission further finds that the proposal meets Housing: Goal 2 because the proposal provides inter-generational, mixed-income and mixed-use development that is connected to the neighborhood and surrounding area as an additional housing type is being added to the areas current mixture; and the proposal is for single family lots within a single family area. There are no commercial activity centers or employment centers in the vicinity. The proposal extends the existing sidewalks in the area along the site's frontage. The site is located in a residential activity area; and

PLANNING COMMISSION MINUTES
February 2, 2023

PUBLIC HEARING

CASE NO. 22-ZONE-0121

WHEREAS, the Commission further finds that the proposal meets Housing: Goal 3 because the proposal incorporates another housing options into the area that encourages the provision of fair and affordable housing by providing a variety of ownership options and unit costs throughout Louisville Metro; the proposed district is located adjacent to an existing residential area; and the incorporation of this district in the area encourages a variety of housing types and occupancy types within the area which increases the ability to provision clustering, mixed-use developments, co-housing, and accessory apartments to increase the production of fair and affordable housing; now, therefore be it

RESOLVED, the Louisville Metro Planning Commission does hereby **RECOMMEND** to the Louisville Metro Council that the requested from Change in zoning from RR to R-5 on property described in the attached legal description be **APPROVED**.

The vote was as follows:

YES: Commissioners Cheek, Carlson, Pennix, Mims, Brown, Howard, Clare, and Lewis.

ABSENT: Commissioners Sistrunk and Fischer.

Waiver from Chapter 10.3.5 to permit encroachments into the 50' parkway buffer and 75' parkway setback (22-WAIVER-0185)

01:05:17 On a motion by Commissioner Brown, seconded by Commissioner Clare, the following resolution, based on the Standard of Review and Staff Analysis and evidence and testimony heard today, was adopted:

WHEREAS, the Louisville Metro Planning Commission finds that the waiver will not adversely affect adjacent property owners since the planting requirements will still be met and the adjacent property is a highway that sits lower than the development site; and

WHEREAS, the Commission further finds that Community Form Goal 1, Policy 10 calls to mitigate the impacts caused when incompatible developments unavoidably occur adjacent to one another. Buffers should be used between uses that are substantially different in intensity or density. Buffers should be variable in design and may include landscaping, vegetative berms and/or walls and should address issues such as outdoor lighting, lights from automobiles, illuminated signs, loud noise, odors, smoke,

PLANNING COMMISSION MINUTES

February 2, 2023

PUBLIC HEARING

CASE NO. 22-ZONE-0121

automobile exhaust or other noxious smells, dust and dirt, litter, junk, outdoor storage, and visual nuisances. Residential uses that develop adjacent to agricultural land uses may be required to provide screening and buffering to protect both the farmer and homeowners.

Community Form Goal 1, Policy 12 calls for the proposal to Design parking, loading and delivery areas located adjacent to residential areas to minimize adverse impacts from noise, lights, and other potential impacts. Ensure that parking, loading and delivery is adequate and convenient for motorists and does not negatively impact nearby residents or pedestrians. Parking and circulation areas adjacent to the street shall be screened or buffered. Use landscaping, trees, walls, colonnades or other design features to fill gaps along the street and sidewalk created by surface parking lots. Encourage the placement of parking lots and garage doors behind or beside the building rather than facing the street. The use of alleys for access to parking lots is encouraged, especially in Downtown Louisville, Urban Center Neighborhoods, Traditional Neighborhoods and Traditional Marketplace Corridors. Encourage elimination or reduction of parking minimums in areas readily accessible to transit routes. Community Form Goal 1, Policy 20 calls to mitigate adverse visual intrusions when there are impacts to residential areas, roadway corridors, and public spaces. Economic Development goal 2 policy 3 calls to Encourage design elements that address the urban heat island effect and energy efficiency, such as the planting and preservation of trees, cool roofs and green infrastructure, for new development. Plan 2040 is being met because the planting requirements will still be met and the adjacent property is a highway that sits lower than the development site; and

WHEREAS, the Commission further finds that the extent of the waiver of the regulation is the minimum necessary to afford relief to the applicant since the planting requirements will still be met and the adjacent property is a highway that sits lower than the development site; and

WHEREAS, the Commission further finds that the strict application of the provisions of the regulation would deprive the applicant of the reasonable use of the land or would create an unnecessary hardship on the applicant the planting requirements will still be met and the adjacent property is a highway that sits lower than the development site; now, therefore be it

RESOLVED, the Louisville Metro Planning Commission does hereby **APPROVE** the requested Waiver from Chapter 10.3.5 to permit encroachments into the 50' parkway buffer and 75' parkway setback (22-WAIVER-0185).

PLANNING COMMISSION MINUTES
February 2, 2023

PUBLIC HEARING

CASE NO. 22-ZONE-0121

The vote was as follows:

YES: Commissioners Cheek, Carlson, Pennix, Mims, Brown, Howard, Clare, and Lewis.

ABSENT: Commissioners Sistrunk and Fischer.

Floyds Fork Overlay

01:06:02 On a motion by Commissioner Brown, seconded by Commissioner Clare, the following resolution, based on the staff report and evidence and testimony heard today, was adopted:

RESOLVED, the Louisville Metro Planning Commission does hereby **APPROVE** the requested Floyds Fork Overlay review.

The vote was as follows:

YES: Commissioners Cheek, Carlson, Pennix, Mims, Brown, Howard, Clare, and Lewis.

ABSENT: Commissioners Sistrunk and Fischer.

Detailed District Development Plan

01:06:32 On a motion by Commissioner Brown, seconded by Commissioner Clare, the following resolution, based on the Standard of Review and Staff Analysis and evidence and testimony heard today, was adopted:

WHEREAS, the Louisville Metro Planning Commission finds that there do not appear to be any environmental constraints or historic resources on the subject site. Tree canopy requirements of the Land Development Code will be provided on the subject site; and

WHEREAS, the Commission further finds that provisions for safe and efficient vehicular and pedestrian transportation within and around the development and the community has been provided, and Metro Public Works has approved the preliminary development plan; and

PLANNING COMMISSION MINUTES
February 2, 2023

PUBLIC HEARING

CASE NO. 22-ZONE-0121

WHEREAS, the Commission further finds that there are no open space requirements pertinent to the current proposal; and

WHEREAS, the Commission further finds that the Metropolitan Sewer District has approved the preliminary development plan and will ensure the provision of adequate drainage facilities on the subject site in order to prevent drainage problems from occurring on the subject site or within the community; and

WHEREAS, the Commission further finds that the overall site design and land uses are compatible with the existing and future development of the area. Appropriate landscape buffering and screening will be provided to screen roadways. Buildings will meet all required setbacks; and

WHEREAS, the Commission further finds that the development plan conforms to applicable guidelines and policies of the Comprehensive Plan and to requirements of the Land Development Code; now, therefore be it

RESOLVED, the Louisville Metro Planning Commission does hereby **APPROVE** the requested Detailed District Development plan/Preliminary Subdivision Plan, **SUBJECT** to the following binding elements:

1. The development shall be in accordance with the approved district development plan, all applicable sections of the Land Development Code (LDC) and agreed upon binding elements unless amended pursuant to the Land Development Code. Any changes/additions/alterations of any binding element(s) shall be submitted to the Planning Commission or the Planning Commission's designee for review and approval; any changes/additions/alterations not so referred shall not be valid.
2. The development shall be in accordance with the approved Preliminary Subdivision Plan. No further subdivision of the land into a greater number of lots than originally approved shall occur without approval of the Planning Commission.
3. Construction fencing shall be erected when off-site trees or tree canopy exists within 3' of a common property line. Fencing shall be in place prior to any grading or construction to protect the existing root systems from compaction. The fencing shall enclose the entire area beneath the tree canopy and shall remain in place until all construction is completed. No parking, material storage or construction activities are permitted

PLANNING COMMISSION MINUTES
February 2, 2023

PUBLIC HEARING

CASE NO. 22-ZONE-0121

within the protected area.

4. Before any permit (including but not limited to building, parking lot, change of use, site disturbance) is requested:
 - a. The development plan must receive full construction approval from Construction Review, Louisville Metro Public Works and the Metropolitan Sewer District.
 - b. The property owner/developer must obtain approval of a detailed plan for screening (buffering/landscaping) as described in Chapter 10 prior to requesting a building permit. Such plan shall be implemented prior to occupancy of the site and shall be maintained thereafter.
 - c. A major subdivision plat creating the lots as shown on the approved district development plan shall be recorded prior to issuance of any building permits.
 - d. A Tree Preservation Plan in accordance with Chapter 10 of the LDC shall be reviewed and approved prior to obtaining approval for site disturbance.
 - e. The landscaping provided shall be substantially the same as the landscaping exhibit presented at the February 2, 2023 Planning Commission public hearing.
5. A certificate of occupancy must be received from the appropriate code enforcement department prior to occupancy of the structure or land for the proposed use. All binding elements requiring action and approval must be implemented prior to requesting issuance of the certificate of occupancy, unless specifically waived by the Planning Commission.
6. The applicant, developer, or property owner shall provide copies of these binding elements to tenants, purchasers, contractors, subcontractors and other parties engaged in development of this site and shall advise them of the content of these binding elements. These binding elements shall run with the land and the owner of the property and occupant of the property shall at all times be responsible for compliance with these binding elements. At all times during development of the site, the applicant and developer, their heirs, successors; and assignees, contractors,

PLANNING COMMISSION MINUTES
February 2, 2023

PUBLIC HEARING

CASE NO. 22-ZONE-0121

subcontractors, and other parties engaged in development of the site, shall be responsible for compliance with these binding elements.

7. A note shall be placed on the preliminary plan, construction plan and the record plat that states, "Construction fencing shall be erected prior to any grading or construction activities - preventing compaction of root systems of trees to be preserved. The fencing shall enclose the area beneath the dripline of the tree canopy and shall remain in place until all construction is completed. No parking, material storage, or construction activities shall be permitted within the fenced area."

The vote was as follows:

YES: Commissioners Cheek, Carlson, Pennix, Mims, Brown, Howard, Clare, and Lewis.

ABSENT: Commissioners Sistrunk and Fischer.